

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

DOCKET FILE COPY ORIGINAL

RECEIVED

In the Matter of)
)
Petition by the United States Department)
Of Transportation for Assignment of an)
Abbreviated Dialing Code (N11) to Access)
Intelligent Transportation System (ITS))
Services Nationwide)

CC Docket No. 92-105
NSD File No. L-99-24

AUG 20 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**REPLY COMMENTS OF
THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Cellular Telecommunications Industry Association ("CTIA")¹ hereby submits its Reply Comments in the above captioned proceeding.²

Along with other commenters, CTIA takes no position on whether the Commission should initiate the requested rulemaking.³ However, the record is clear that

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including 48 of the 50 largest cellular and broadband personal communications service ("PCS") providers. CTIA represents more broadband PCS carriers and more cellular carriers than any other trade association.

² Petition by the United States Department of Transportation for Assignment of an Abbreviated Dialing Code (N11) to Access Intelligent Transportation System (ITS) Services Nationwide, CC Docket No. 92-105, Public Notice DA 99-761 (April 20, 1999)("Petition").

³ See, Comments of AT&T, Comments of MCI WorldCom Inc., Comments of BellSouth Corporation; see also, Initial Comments of the 211 Collaborative (the 211 Collaborative does not oppose the petition, provided that the Commission assign a number other than 211 to ITS services); Sprint PCS Comments and the Comments of AAA (both support the Petition, but state that the private sector holds the key to effective nationwide implementation of an N11 ITS service); and Comments of GTE (GTE concurs that access to ITS services is important, but opposes the Petition because an N11 ITS service fails to meet the FCC's

if the Commission does proceed, it must address its policy governing the nationwide assignment of N11 codes, and address the implementation and competitive issues raised by the Petition.

Standards for Assigning N11 Codes

As the comments of MCI WorldCom, BellSouth, Cox Enterprises, and the 211 Collaborative make clear, a multitude of valuable information services can be -- and are being -- provided using abbreviated dialing codes. In its *Abbreviated Dialing Order*,⁴ the Commission established a high standard for assigning N11 codes. Thus, as a threshold matter, the Commission must determine whether the proposed assignment of an N11 code for ITS service meets its own requirements. As MCI WorldCom observes, “N11 codes are the most scarce of all numbering resources” and granting the Petition would virtually exhaust the available N11 numbers.⁵ As the *Abbreviated Dialing Order* recognized, in addition to the N11 codes, other abbreviated dialing arrangements are available for both public and commercial information services.⁶ Before the Commission assigns the last available N11 numbers, it should address the numbering policy questions raised by the Petition.

standards for assigning N11 codes and important operational issues remain unresolved).

⁴ The Use of N11 Codes and Other Abbreviated Dialing Arrangements, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 92-105, 12 FCC Rcd 5572 (1997).

⁵ MCI WorldCom Comments at 2.

⁶ The abbreviated codes include #XX, #XXX, *XX, and *XXX, as well as seven digit numbers using distinctive NXX codes (*e.g.*, 555-XXXX and 976-XXXX).

Implementation Issues

As the wireless industry well knows from its efforts to implement E911 services, implementation of an N11 code (or any other abbreviated dialing code) requires extensive coordination to resolve routing, interconnection, and jurisdictional issues. Reflecting the mobility of their customers, wireless carriers provide service without respect to state lines and other geopolitical boundaries. For example, the CMRS carriers serving Washington, DC, also serve much of Virginia, Maryland, and even corners of Delaware and West Virginia. Default routing of N11 calls to the various municipal governments, such as the City of Baltimore and Washington, DC, state highway authorities, such as the Virginia Department of Transportation and the Maryland Department of Transportation, State Highway Administration, and regional governmental bodies, such as the Council of Governments, requires extensive negotiation and coordination.⁷ Moreover, as AT&T notes, if an N11 call may be routed to more than one number, wireless carriers must translate the N11 code based on the cell site the mobile customer is calling from. On an operational basis, this is quite burdensome because it requires wireless carriers to perform multiple N11 translations in a single switch.⁸

CTIA supports BellSouth's Comments that urge the Commission, should it grant the Petition, to not impose any implementation deadline, network architecture, or cost recovery requirements pertaining to the use of any abbreviated dialing code for ITS

⁷ As the Petition notes, "... ATIS providers must undertake negotiations with many individual carriers in every market. The potential clearly exists for multiple numbers in each city..." Petition at 19.

⁸ AT&T Comments at 2.

service, and to clarify that wireless carriers should not be required to provide such capabilities to non-subscribers or roamers in the absence of a roaming agreement.⁹

Competitive Issues

As Sprint PCS points out in its comments, provision of travel information can be the basis for competition and consumer choice.¹⁰ In addition to public sources, numerous private firms assemble travel information for use by local television and radio stations and by the five or more wireless carriers that typically compete in each market.¹¹ These commercial vendors of travel information compete not only with each other, but often with public agencies' own reports. The Commission must take care to insure that the Petition does not interfere with commercial procurement decisions by dictating winners (*i.e.*, the travel information service provider accessed through the N11 code) and losers (*i.e.*, the service providers denied access to the N11 code).

Lastly, CTIA joins the commenters who urge the Commission to refrain from making any pricing decisions for ITS services.¹² Since the travel information that is the subject of the Petition is not an emergency service, there should be no restrictions on a carrier's ability to recover its costs. Moreover, since ITS service sponsored by a public agency is likely to compete with privately sponsored traffic reports (and travel information), it is inherently unfair, and bad competition policy, to handicap access to

⁹ BellSouth Comments at 6-7.

¹⁰ Sprint PCS Comments at 4.

¹¹ CTIA estimates that 170 million American can now choose from five or more CMRS carriers; moreover, almost 200 million Americans have a choice of four or more CMRS carriers.

¹² See Sprint PCS Comments at 5; BellSouth Comments at 6; AT&T Comments at 2-3.

travel information by limiting carriers' cost recovery with respect to one ITS service provider (*i.e.*, the ITS service accessed using an N11 code), but not to travel information accessed using other dialing codes.

In summary, while CTIA takes no position on whether the Commission should initiate the requested rulemaking, if the Commission does proceed, it must address its policy governing the nationwide assignment of N11 codes, as well as the important implementation and competitive issues raised by the Petition.

Respectfully submitted,

**CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION**

A handwritten signature in black ink, appearing to read "Michael F. Altschul", written over a horizontal line.

Michael F. Altschul
Vice President, General Counsel

Randall S. Coleman
Vice President for
Regulatory Policy and Law

1250 Connecticut Avenue, N.W.
Suite 800
Washington, D.C. 20036
(202) 785-0081

Its Attorneys

August 20, 1999